


unambiguous that for a candidate device covered by the claims, a skilled worker need merely construct a curve as shown in Figs. 7 or 8. Construction of such curves is entirely conventional and unambiguous in execution. The only question that remains then is whether, for the given observation angle at which the graph was constructed, the resultant curve "is more symmetric about the graph's center point than the corresponding curve of Fig. 8," or "has a degree of symmetry about the graph's center point closer to that of the corresponding curve of Fig. 7 than of 8." Thus, the question becomes whether the skilled worker can determine the degree of symmetry of a given curve about a point on a graph. It is respectfully submitted to be clear that determination of the symmetry of such curves is routine for a skilled worker. It is the symmetry of the curve which is one focus of the purpose of such curves. If skilled workers could not make reasonable assessments of such symmetry, the curves would not be highly conventional and commonplace which, in fact, they are.

Since determination of the degree of the symmetry of such curves is routine, it follows that determination of when a curve is more symmetric in comparison to another curve is also routine. Thus, as in the Federal Circuit decision cited in the last response (Andrew v. Gabriel), where a skilled worker is familiar with comparisons such as "closely approximate," "approach each other," etc. there is no indefiniteness. The same is true here for the degree of symmetry elements of claims 86 and 87.

Respectfully submitted,



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